



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,428	03/01/2000	Kevin D. Satterfield	ODS-10	3649

7590 07/15/2003

Vivtor G Treyz
Fish & Neave
1251 Avenue Of The Americas
New York, NY 10020-1104

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/516,428	SATTERFIELD ET AL.
	Examiner	Art Unit
	Richard Woo	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 April 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-61 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

1) Applicant's arguments filed April 4, 2003 have been fully considered but they are not persuasive.

-- In response to applicant's argument that determining whether wagering criteria (two or more options) are satisfied cannot be met by Brenner et al., Brenner et al. discloses specifically cites "another category", which means at least two options for the users. If the user wish to select the "handicapping" mode, or desired mode, the system of Brenner et al. certainly provides the wagering criteria (at least normal and handicapping) selected by the user as required by claim1.

-- In response to applicants' argument that Brenner et al. does not show applicant's improvement of using an interactive wagering application to automatically take a particular action whenever the wagering criteria are satisfied, Brenner et al. shows that the user can automatically take a particular action (i.e. select a racetrack, bet-type, horse, etc) (see Figs.).

2) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3) Claims 1-11, 13, 15-19, 21-27, 29-32, 34-44, 46, 48-52 and 54-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Brenner et al. (US 6,099,409).

Brenner et al. disclose a method for interactive wagering on races comprising:

allowing a user to access to access an interactive wagering service to select desired wagering criteria (allowing selection of a racetrack, a set of races within a race track (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners);

using the interactive wagering application to determine whether a desired wagering opportunity exists (see Figs. 18, 20-23 for example);

using the interactive wagering application to automatically take a particular action whenever the wagering criteria are satisfied (the user selects the specific horse and the track based on the information as cited above, and the user selects a wager amount and wager type and place the wagering);

using the application to provide the user with an opportunity to select which particular action is taken (the screen will show how the user made a selection);

using user television equipment, using the application on the user television equipment to determine whether the wagering criteria are satisfied (col. 1, lines 13-15);

using the interactive wagering application to provide the user with an opportunity: to select a particular racetrack as one of the wagering criteria (col. 2, lines 47-53),

to select a particular horse (col. 1, lines 16-17),

further searching for a desired horse with an on-screen (col. 2, lines 55-58; see Fig. 18-23),

to select a particular jockey (col. 14, lines 60-63),

to select a particular trainer (Id.),

to select a particular track surface (col. 14, lines 48-51),
to select a particular race distance (col. 14, lines 30-24),
to select a particular racing statistic (col. 13, lines 17-21),
to select a particular amount by which the odds for a horse change from that horse's morning line odds as one of the wagering criteria (col. 2, lines 47-53),
to select a wager amount and wager type associated with the wagering criteria prior to the automatic placing of the wager (col. 2, lines 47-53),
to select a different wager amount and wager type for each of the multiple sets of wagering criteria (col. 2, lines 47-53);
providing different user interface with the wagering application for selecting different types of wagering criteria (id.);
providing the user with an opportunity to select whether the action taken involves notification of the user (col. 43-46);
notifying the user by displaying a partial-screen overlay message on top of a screen currently being displayed on the TV (col. 2, lines 43-46);
notifying the user that the wagering criteria have been satisfied using wireless message (col. 7, lines 35-38);
notifying the user that the wagering criteria have been satisfied by displaying a message on the TV (col. 1, lines 13-15);
providing a display screen containing a summary of which types of wagering criteria have been established (col. 3, lines 15-18);

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53);

wherein the summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied (col. 2, lines 47-53); and

displaying wagering criteria details for a given one of the sets of wagering criteria when the user selects that set from the summary (id.);

limiting automatic wagering based on monetary wagering limits (col. 4, lines 38-46);

providing the user with an opportunity to select a desired monetary wagering limit (col. 4, lines 38-46);

providing the user with an opportunity to select a given horse using the interactive wagering application (col. 1, lines 16-17); and

automatically placing a wager for the given horse when it is determined that the given horse is to run in a particular race (col. 4, lines 34-46); and

providing the user with an opportunity to select the amount of the wager and the wager type with the interactive wagering application (col. 2, lines 47-53).

Brenner et al. further discloses an interactive wagering system, comprising: user TV equipment to: provide the user with an opportunity to select a given horse using the interactive wagering application (col. 1, lines 13-15);

automatically place a wager for the given horse when it is determined that the given horse is to run in a particular race (col. 4, lines 38-46); and
a transaction processing and subscription management system that handles the automatically placed wager (col. 4, lines 34-46).

Regarding Claims 34-44, 46, 48-52 and 54-60, Brenner et al. discloses a machine-readable medium that can implement the method claims 1-11, 13, 15-19, 21-27 and 29-31, comprising machine-readable instructions recorded for:

allowing a user to select desired wagering criteria;
determining whether a desired wagering opportunity exists by determining whether the wagering criteria are satisfied; and
automatically taking a particular action whenever the wagering criteria are satisfied.

Claim Rejections - 35 USC § 103

4) Claims 12, 33, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al..

Brenner et al. discloses the method as cited above, but does not expressly disclose the method:

using the application to provide the user with an opportunity to select a particular silk color as one of the wagering criteria; and

notifying the user at the user computer equipment by e-mail when the automatic wager has been placed.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify Brenner et al. to select a particular silk color as one of the wagering criteria; and notify the user at the user computer by e-mail when the automatic wager has been placed because Applicant has not disclosed that selecting a particular silk color as one of the wagering criteria; and notifying by e-mail provides an advantage, is used for a particular purpose, or solves a stated problem, and it appears that the claimed features do not distinguish the invention over similar features in the prior art since the interactive wagering system of Brenner et al. would perform equally the invention as claimed by the applicants with any method, means or product.

Therefore, it would have been an obvious matter of design choice to modify Brenner et al. to obtain the invention as specified in claims 12, 33, and 45.

5) Claims 14 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. in view of Lange (US 4,322,612).

Brenner et al. discloses the invention as cited earlier, but does not disclose the invention comprising:

providing the user with an opportunity to select whether the action taken involves the automatic placing of a wager whenever the wagering criteria are satisfied.

Lange teaches, for a self-service wagering system, that the stored wager information is compared to the race results and each winning account is automatically credited at that time.

Since Lange and Brenner et al. are both from the same field of endeavor, the purpose disclosed by Lange would have been well recognized in the pertinent field of Brenner et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the method of Brenner et al. such that the user can select whether the action taken involves the automatic placing of a wager whenever the wagering criteria are satisfied, as taught by Lange, for the purpose of providing less waiting time for money handling manner, and easy, quick and error less transactions.

6) Claims 20 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. in view of Lvov (US 6,117,011).

Brenner et al. discloses the invention as recited earlier, but does not expressly disclose the invention comprising:

notifying the user that the wagering criteria have been satisfied using an e-mail message.

Lvov teaches, for an electronic gaming system, that the CCS (central computer station) and PCS (peripheral computer station) include mailing systems providing a

personal e-mail for PCS and topical electronic billboards, reference systems and a data exchange system. The reference system supplies information on the players that are present in the EGS, a game rating of each of the potential players and offers an opportunity to select a partner by any of the preset criteria.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Brenner et al. such that the user is notified that the wagering criteria have been satisfied via an e-mail message, as taught by Lvov, for the purpose of providing a notification method using a protected information exchange for the subjects included into the system.

7) Claims 28 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. in view of Hedges et al. (US 4,467,424).

Brenner et al. discloses the invention as cited earlier, but does not specifically disclose the invention comprising:

using the wagering application to provide the user with an opportunity to select an expiration time for automatic wagering.

Hedges et al. is just cited to show that there is an expiration time to enter a bet.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Brenner et al. such that the user can select an expiration time for automatic wagering, as taught by Hedges et al., for the

purpose of reminding the user of the remaining time and providing the user with the opportunity to change or cancel the wagering.

Conclusion

8) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
July 11, 2003



DEANT T. NGUYEN
PRIMARY EXAMINER